

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DUVAL BRANCH,

Plaintiff,

v.

BRIGDON ODHNER, et al.,

Defendants.

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3:15-CV-1971  
(JUDGE MARIANI)

**ORDER**

AND NOW, THIS 1ST DAY OF MARCH, 2018, upon *de novo* review of Magistrate Judge Saporito's Report & Recommendation, (Doc. 108), and Amended Report & Recommendation, (Doc. 115), **IT IS HEREBY ORDERED THAT:**

1. The recommendations in the Amended Report & Recommendation, (Doc. 115), are adopted in accordance with the Court's accompanying Opinion.<sup>1</sup>
2. Plaintiff's Objections, (Docs. 109, 110, 116, 117, 122), are **OVERRULED** in accordance with the Court's accompanying Opinion.
3. Defendant Odhner's Objections, (Docs. 111, 112, 118, 119), are **OVERRULED** in accordance with the Court's accompanying Opinion.
4. Defendant Rush Township's Motion for Summary Judgment, (Doc. 88), is **GRANTED**. The Clerk of the Court is directed to enter judgment **IN FAVOR** of

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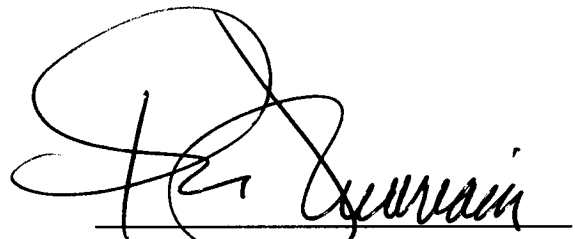
<sup>1</sup> While the Court adopts the *recommendations* of the Amended Report and Recommendation, in certain instances it does so for reasons different than those advanced by the Magistrate Judge.

Defendant Rush Township and **AGAINST** Plaintiff on Counts II, IV, and V of Plaintiff's Amended Complaint.

5. Defendant's Odhner's Motion for Summary Judgement, (Doc. 89), is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. Defendant Odhner's Motion is **GRANTED** with respect to Branch's claim of intentional infliction of emotional distress contained in Count VII of Plaintiff's Amended Complaint.
- b. In all other respects, Defendant Odhner's Motion is **DENIED**.
- c. Counts I, III, V, and VI of Plaintiff's Amended Complaint remain pending against Defendant Odhner and shall be scheduled for trial.

6. A telephone scheduling conference will be held on **Thursday, March 8, 2018**, at **11:30 a.m.** to schedule this case for trial. Counsel for Plaintiff is responsible for arranging the call to (570) 207-5750, and all parties should be ready to proceed before the undersigned is contacted.



Robert D. Mariani  
United States District Court Judge